

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JOHN W. SIGLER,)	Case No. 8:22-cv-02325-MEMF-JDEx
Plaintiff,)	
v.)	ORDER ACCEPTING FINDINGS
JORGE GONZALEZ, et al.,)	AND RECOMMENDATION OF
Defendants.)	UNITED STATES MAGISTRATE
)	JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the Motion by John W. Sigler (“Plaintiff”) for Evidentiary Sanctions (Dkt. 120, “Motion”) against Defendant Imperial Body Shop, Inc. (“Defendant”) and supporting papers (Dkt. 121, 122), Defendant’s Opposition to the Motion (Dkt. 135) and supporting papers (Dkt. 135-1), Plaintiff’s Reply (Dkt. 151) and supporting papers (Dkt. 152), the Report and Recommendation of the magistrate judge (Dkt. 176, “Report”), and Plaintiff’s Objection to the Report (Dkt. 178, “Objection”). The Court has engaged in a de novo review of those portions of the Report to which objections have been made. The Court accepts the findings and recommendation of the magistrate judge.

1 Plaintiff primarily takes issue with the magistrate judge's
2 characterization of his motion as a discovery motion, and largely repeats the
3 arguments made originally, which have been appropriately rejected. Plaintiff
4 also argues that treating his Motion for Evidentiary Sanctions as a discovery
5 motion is in conflict with governing law permitting "sanctions for spoliation of
6 evidence and/or Rule 37 violations even when discovered after the close of
7 discovery or at trial." Objection at 8. This authority is inapposite. By Plaintiff's
8 own admission, he discovered the purported tampering April 11, 2024—*prior to*
9 the close of discovery. Motion at 8 ("On April 11, 2024 IBS admitted to
10 tampering with the metadata of the 57 photo files . . ."). He failed to bring his
11 motion then or seek amendment of the Amended Scheduling Order at that
12 time.

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14 Therefore, IT IS HEREBY ORDERED that the Motion (Dkt. 120) is
15 DENIED.

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18 Dated: February 25, 2025



19 MAAME EWUSI-MENSAH FRIMPONG
20 United States District Judge
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